



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/501,017	02/09/2000	Teruo Hieda	1232-4612	3308

27123 7590 07/15/2005  
MORGAN & FINNEGAN, L.L.P.  
3 WORLD FINANCIAL CENTER  
NEW YORK, NY 10281-2101

EXAMINER

MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/501,017

Applicant(s)

HIEDA, TERUO

Examiner

Justin P. Misleh

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1 - 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 17, 2005 has been entered.

### *Claim Objections*

2. **Claims 1 – 3, 5, 6, 9, and 10** are objected to because of the following informalities: inconsistent claim language and grammatical errors.

3. **Claim 1** at least recites therein, “two dimensional pattern according to the detection made by said detecting part, the pattern spreading two-dimensionally from a center of the detected high-luminance portion to the periphery in both a horizontal direction and a vertical direction and having suppression characteristics that a suppression level is reduced from the high-luminance portion toward a periphery of the high-luminance portion;” which presents inconsistent claim language.

The Examiner recommends the following changes (as marked up), “two dimensional pattern according to the detection made by said detecting part, the pattern spreading two-dimensionally from a center of the detected high-luminance portion to [the] a periphery of the detected high-luminance portion in both a horizontal direction and a vertical direction and having

Art Unit: 2612

suppression characteristics such that a suppression level is reduced from the center of the detected high-luminance portion toward [a] the periphery of the high-luminance portion;”.

4. Furthermore, **Claim 1** also recites therein, “detected high-luminance portion to both the horizontal direction and the vertical direction on the image by the two dimensional pattern”, which presents grammatical errors.

The Examiner recommends the following changes, “detected high-luminance portion in both the horizontal direction and the vertical direction by the two dimensional pattern”.

5. In addition, **Claim 2** recite “this” therein, which should be changed to “said”, and **Claim 3** fails to include “an”, which properly introduces previously un-introduced “image sensing part”.

6. Finally, **Claims 5, 6, 9, and 10** present similar inconsistencies and grammatical errors to those described above.

7. **The Examiner recommends Applicant thoroughly review all claim language for similar informalities. Appropriate correction is required.**

*Allowable Subject Matter*

8. **Claims 1 – 3, 5, 6, 9, and 10** are objected to, as shown above, would be allowable if rewritten to overcome the objections.

9. **Claims 4, 7, 8, 11, and 12** are objected to as being dependent upon an objected base claim, but would be allowable if rewritten in independent form including all of the corrected limitations of the base claim and any intervening claims.

Art Unit: 2612

10. The following is a statement of reasons for the indication of allowable subject matter:

While the closest prior art teaches a color image pickup device that suppresses false color signal in an image signal, with detected high-brightness portions, using a suppression circuit that employs a variable gain amplifier and correction coefficients to reduce high-brightness in the image signal on a pixel-by-pixel basis; the closest prior art does not teach or fairly suggest a pattern generating part which generates a two dimensional pattern according to the high-brightness detection, wherein the pattern spreads two-dimensionally from a center of the detected high-brightness portion to a periphery of the detected high-brightness portion in both a horizontal direction and a vertical direction and having suppression characteristics such that a suppression level is reduced from the center of the detected high-brightness portion toward the periphery of the high-brightness portion, wherein the suppression circuit suppresses the image signal according to the two dimensional pattern.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:00 PM and on alternating Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 571.272.7308. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM

July 11, 2005



THAI TRAN  
PRIMARY EXAMINER